

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MISSOURI  
CENTRAL DIVISION**

COMPREHENSIVE HEALTH OF PLANNED	)	
PARENTHOOD GREAT PLAINS, et al.	)	
	)	
Plaintiffs,	)	
	)	Case No. 2:17-cv-04207-GAF
v.	)	
	)	
RANDALL WILLIAMS, M.D.,	)	
in his official capacity as	)	
Director of the Missouri	)	
Department of Health and Senior Services, et al.,	)	
	)	
Defendants.	)	

**NOTICE OF RELATED CASE AND MOTION TO TRANSFER**

Notice is hereby given that this action relates to another pending case in this court, and, by Rule, this case should be transferred to the judge with the earlier-filed case. This case relates to *Comprehensive Health of Planned Parenthood Great Plains, et al. v. Dr. Randall Williams, et al.*, No. 2:16-cv-04313-FJG, filed on November 30, 2016, which is currently pending before Senior Judge Fernando J. Gaitan, Jr., in this district. Both cases involve almost identical parties, and both cases involve similar subject-matter and witnesses. Under this Court’s Local Rules, a case should be transferred where the case “is related to another case filed in the District, in which instance the later-filed case must be transferred to the judge with the earlier-filed case, regardless of whether the earliest filed case is pending.” W.D. Mo. Local Rule 83.9(c)(4).

**Related Legal Issues.** Here, both cases involve similar constitutional issues, and they would entail substantial duplication of labor if heard by different judges. Both cases concern the constitutionality of Missouri’s health-and-safety regulations for abortion providers under the Fourteenth Amendment to the U.S. Constitution. In both cases, the plaintiffs assert undue-burden

challenges to health-and-safety regulations of abortion facilities and providers under the Supreme Court's decision in *Whole Woman's Health v. Hellerstedt*, 136 S. Ct. 2292 (2016). In fact, the plaintiffs in this later-filed case have filed an application for temporary restraining order that repeatedly refers to the earlier case as part of the essential background for the later-filed case. *See* Doc. 7, at 3, 3 n.1, 7.

**Related Parties and Claims.** Both cases address licensing and regulatory compliance for a common set of abortion providers. The first case concerns the lawfulness of the State's requirement that these abortion providers, including the Columbia facility that is the focus of the second case, meet certain physical standards applicable to ambulatory surgical centers, and Missouri's requirement that abortion facilities and physicians performing abortions have a patient-transfer relationship with a nearby hospital. The second case, just filed yesterday, concerns the lawfulness of the state's requirement that an abortion provider operate under a plan to handle complications from medication- or drug-induced abortions. Both cases involve the same two organizational plaintiffs—Comprehensive Health of Planned Parenthood Great Plains, and Reproductive Health Services of Planned Parenthood of the Saint Louis Region. Both cases involve the same defendants—the Missouri Attorney General Joshua D. Hawley; Dr. Randall Williams, Director of the Missouri Department of Health and Senior Services; and the elected prosecutors of Boone, Jackson, Jasper, and Greene Counties. The only difference in parties is that the first case includes an individual plaintiff who is not a party in the second case.

**Substantial Potential to Improve Judicial Efficiency.** Given the similarities between these actions, assignment of both cases to a single judge will very likely conserve judicial resources and promote efficient administration. Transfer will avoid the possibility of conflicting results or reasoning, and, given the overlap of issues and facts, it will avoid needless duplication

of effort and expense. The first-filed action has been pending before this court for nearly a year, during which time the court has authorized preliminary-injunction-related discovery, ruled on a motion to dismiss, granted a motion for a preliminary injunction, and held a hearing on the motion for a preliminary injunction.

WHEREFORE, pursuant to this Court's Local Rule 83.9(c), the Missouri Attorney General and the Director of the Missouri Department of Health and Senior Services respectfully request that this case be deemed related to *Comprehensive Health of Planned Parenthood Great Plains, et al. v. Dr. Randall Williams, et al.*, No. 2:16-cv-04313-FJG, and that this case be transferred to the judge in the earlier-filed case.

Respectfully submitted,

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October 31, 2017

### **CERTIFICATE OF SERVICE**

I hereby certify I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which sent notification to all counsel of record.

/s/ D. John Sauer  
State Solicitor

October 31, 2017